
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
State of Colorado)	File No. EB-FIELDWR-12-00001388
Antenna Structure Registrant)	
ASR # 1022656)	NOV No. V201232800024
Simla, CO)	
)	

NOTICE OF VIOLATION

Released: April 4, 2012

By the District Director, Denver District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to State of Colorado, registrant of antenna structure # 1022656, located 5.8 miles north of Simla, CO.
2. On March 20, 2012, an agent of the Enforcement Bureau's Denver District Office inspected antenna structure # 1022656, located 5.8 miles north of Simla, CO, and observed the following violations:
 - a. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of 'no hazard...'” Antenna Structure # 1022656 is required to be painted and lit in accordance with FAA Chapters 3, 4, 5, and 13 of FAA Circular Number 70/7460-1J. These specifications require aviation orange and white paint with red obstruction lighting in accordance with FAA Advisory Circular 70-7460/-AJ, specifically a top beacon and side lights located at the ½ level of the structure. During the inspection on March 20, a white light was flashing at the tower's top, and one of the two mid-level red lights was absent.
 - b. 47 C.F.R. § 17.50: "Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.” During the inspection on March 20, 2012, the agent observed that the paint on the antenna structure was faded and chipped.
 - c. 47 C.F.R. § 17.57: "The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the

¹ 47 C.F.R. § 1.89.

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Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” On March 21, 2011, the agent attempted to place a call to the current phone number provided by the owner on the ASR. The number was found disconnected. When the agent made contact with a representative with the State of Colorado, the representative informed the agent that the address given on the ASR was no longer valid.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission’s Rules, State of Colorado, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the State of Colorado. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

4. This Notice shall be sent to State of Colorado at its address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*